

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 14791 of 2007(J)

PETITIONER:

P.K.GIRIJA,
W/O.GOPI, VENGRA HOUSE,
KANIMANGALAM TALUK,
THRISSUR.

BY ADV. SMT.P.K.RADHIKA

RESPONDENTS:

1. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, ARBITRATOR CUM SALE OFFICER, THRISSUR DISTRICT CO-OPERATIVE BANK LTD., KURRUPAM ROAD, THRISSUR.
2. THRISSUR DISTRICT CO-OPERATIVE BANK LIMITED NO.60, KURRUPAM ROAD, THRISSUR, REP.BY THE GENERAL MANAGER.

R1 BY SR.GOV'T.PLEADER SMT.ANU SIVARAMANA.
R2 BY ADV. SRI.V.G.ARUN &
ADV. SRI.T.R.HARIKUMAR, SC, THRISSUR DIST.CO-OP BANK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.14791 of 2007-J

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Dated this the 10th day of December, 2007.

JUDGMENT

1.An item of property belonging to the petitioner was brought to sale in execution of an arbitration award and the decree-holder, second respondent bid the property in auction. The petitioner contends that if she is deprived of the property, which is only around 6 cents, she would be put to untold hardship and misery.

2.Having heard the learned counsel for the petitioner and the learned counsel for the second respondent Bank, this writ petition is disposed of directing that if the petitioner remits to the second respondent Bank, the entire award amount for which the property was brought to sale including all accruals thereon and such other

incidental expenses and also incurs the necessary expenses for re-conveyance, the Bank will re-convey the property to the petitioner provided such remittances are made on or before 31-3-2008. If the petitioner makes a request for waiving any portion of the interest or other incidentals, the Bank will consider such request also. If there is default in remitting the amounts as aforesaid, the benefits of this judgment shall stand recalled automatically and the Bank will be entitled to forthwith follow up the impugned proceedings.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/